



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 14-36
Released: January 14, 2014

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON CENTURYLINK
PETITIONS FOR FORBEARANCE FROM OR INTERIM WAIVER OF DOMINANT CARRIER
AND *COMPUTER INQUIRY* TARIFFING REQUIREMENTS ON ENTERPRISE BROADBAND
SERVICES**

WC Docket No. 14-9

Comment or Opposition Date: February 13, 2014
Reply Comment Date: February 28, 2014

On December 13, 2013, CenturyLink filed two petitions. CenturyLink filed a petition pursuant to section 10 of the Communications Act of 1934, as amended,¹ requesting that the Commission forbear from “dominant carrier regulation and the *Computer Inquiry* tariffing requirement with respect to all of its packet-switched and optical transmission services” that are subject to the regulations.² Specifically, CenturyLink seeks forbearance from 47 U.S.C. §§ 203, 204(a)(3), 47 C.F.R. §§ 1.54(a)(1), (e)(1), 61.31–.59, 63.03, 63.71, and requirements from related Commission Orders.³ Due to mergers, CenturyLink’s enterprise broadband services are subject to different degrees of regulation depending on which CenturyLink affiliate—Qwest, Embarq, or CenturyTel—previously provided service in the area.⁴

¹ See 47 U.S.C. § 160.

² Petition of CenturyLink for Forbearance Pursuant to 47 U.S.C. § 160(c) from Dominant Carrier Regulation and *Computer Inquiry* Tariffing Requirements on Enterprise Broadband Services, WC Docket No. 14-9 (filed Dec. 13, 2013) (2013 CenturyLink Petition) at v. In 2012, CenturyLink submitted a similar petition to the Commission. Petition of CenturyLink for Forbearance Pursuant to 47 U.S.C. § 160(c) from Dominant Carrier and Certain *Computer Inquiry* Requirements on Enterprise Broadband Services, WC Docket No. 12-60 (filed Feb. 23, 2012) (2012 CenturyLink Petition). The Wireline Competition Bureau (WCB) issued data requests to assist the Commission in evaluating CenturyLink’s request. *Competition Data Requested in CenturyLink Forbearance Petition*, Public Notice, WC Docket No. 12-60, 28 FCC Rcd 2075 (Wireline Comp. Bur. 2013); Letter from Julie A. Veach, Chief, Wireline Competition Bureau, Federal Communications Commission, to Craig J. Brown, Associate General Counsel, CenturyLink, Inc., WC Docket No. 12-60, DA 13-339 (Mar. 5, 2013). WCB subsequently granted CenturyLink’s request to withdraw its petition and WCB withdrew its data request. *Petition of CenturyLink for Forbearance Pursuant to 47 U.S.C. § 160(c) from Dominant Carrier and Certain Computer Inquiry Requirements on Enterprise Broadband Services*, Order, WC Docket No. 12-60, 28 FCC Rcd 3075 (Wireline Comp. Bur. 2013).

³ *Id.* at 7–8.

⁴ *Id.* at 5. The Commission granted forbearance to Qwest and Embarq. *Qwest Petition for Forbearance Under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Broadband Services*, Memorandum

CenturyLink filed an alternative petition in the event the Commission does not grant CenturyLink's forbearance request. In this petition, CenturyLink requests that the Commission waive the dominant carrier regulations and *Computer Inquiry* tariffing requirements on an interim basis until the Commission addresses the regulatory treatment of incumbent carrier enterprise broadband services on an industry-wide basis.⁵

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
Parties are strongly encouraged to file comments electronically using the Commission's ECFS.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Opinion and Order, WC Docket No. 06-125, 23 FCC Rcd 12260 (2008); *Petition of the Embarq Local Operating Companies for Forbearance Under 47 U.S.C. § 160(c) from Application of Computer Inquiry & Certain Title II Common-Carriage Requirements*; *Petition of the Frontier and Citizens ILECs for Forbearance Under Section 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Their Broadband Services*, Memorandum Opinion and Order, WC Docket No. WC 06-147, 22 FCC Rcd 19478 (2007), *aff'd sub nom. Ad Hoc Telecom Users Committee v. FCC*, 572 F.3d 903 (D.C. Cir. 2009).

⁵ CenturyLink's Alternative Petition for Interim Waiver of Dominant Carrier Regulation and *Computer Inquiry* Tariffing Requirements Imposed on Enterprise Broadband Services, WC Docket No. 14-9 (filed Dec. 13, 2013) (CenturyLink Waiver Petition).

The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁶ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information regarding this proceeding, contact Matt Warner, Competition Policy Division, Wireline Competition Bureau, 202-418-2419.

- FCC -

⁶ 47 C.F.R. §§ 1.1200 *et seq.*